

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

BRADLEY KIRK STEVENS,

Plaintiff,

vs.

STATE OF MONTANA,

Defendant.

CV 23-68-GF-BMM-JTJ

ORDER

Plaintiff Bradley Kirk Stevens has lodged a Complaint signed by Mary Ann Stevens (Doc. 2). He has also moved to proceed in forma pauperis, also signed by Mary Ann Stevens. (Doc. 1.) Stevens has checked the box on the Court's form Complaint for federal question jurisdiction, but then, apparently, misapprehends its meaning by asking a literal question: why is this [crime] being charged through State Court? (Doc. 2-1.)

The Clerk of Court cannot accept pleadings signed by anyone other than a plaintiff or an attorney properly admitted to this Court. Only an attorney admitted to the Bar may appear or file documents on behalf of someone else. *See* 28 U.S.C. § 1654; *see also* Judiciary Act of 1789, § 35, 1 Stat. 73, 92 (1789); *Simon v. Hartford Life, Inc.*, 546 F.3d 661, 664 (9th Cir. 2008); D. Mont. L.R. 83.8(a) (Dec. 1, 2022). Mary Ann Stevens is not an attorney properly admitted to this Court and cannot sign or file on behalf of Bradley Stevens.

This obstacle could be overcome by requesting that Stevens sign his own pleading. However, this Court will not intervene in state court criminal proceedings, and Steven's Complaint does not otherwise allege or state a claim for federal relief. *Martinez v. Newport Beach City*, 125 F.3d 777, 781 (9th Cir. 1997), *overruled on other grounds* *Green v. City of Tucson*, 255 F.3d 1086 (9th Cir. 2001). As Stevens simply asks a state law question, the proper procedural remedy is dismissal of the federal action. *AmerisourceBergen Corp. v. Roden*, 495 F.3d 1143, 1148 (9th Cir. 2007).

Accordingly, the Court issues the following:

ORDER

1. Stevens's Lodged Complaint is dismissed, without prejudice.
2. The Clerk of Court is directed to close this matter and enter judgment accordingly.

DATED this 8th day of November, 2023.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court

